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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-  
Defendant,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-  
Plaintiff.

**EX PARTE MOTION FOR LEAVE  
TO FILE OVERLENGTH  
MEMORANDUM**

**Civil No. 2:03CV0294 DAK**

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke Wells**

Plaintiff/Counterclaim-Defendant The SCO Group (“SCO”) hereby moves the Court pursuant to District Court Rule 7-1(e) for an Order granting it leave to file a Memorandum in Support of Plaintiff’s Renewed Motion to Compel (the “Memorandum”) that consists of 12 pages, exclusive of face sheet, table of contents and exhibits.

SCO’s Motion is made upon the grounds that a memorandum of the indicated length is necessary given International Business Machines Corporation’s (“IBM”) failure in numerous

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respects to comply with the Court's March 3, 2004, Order compelling certain discovery from IBM

SCO requires two additional pages to set forth in sufficient detail IBM's failures to comply with the Court's March 3, 2004, Order and SCO's argument concerning why IBM should be compelled to fully comply with the Order.

SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully and fairly address the issues being placed before the Court.

SCO respectfully requests that it be allowed to file a Reply Memorandum containing 12 pages, exclusive of face sheet and table of contents.

DATED this the 6<sup>th</sup> day of July, 2004.

By:



HATCH, JAMES & DODGE, P.C.

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*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of **EX PARTE MOTION FOR LEAVE TO FILE OVERLENGTH MEMORANDUM** was served on Defendant International Business Machines Corporation on this 6<sup>th</sup> day of July, 2004, as follows:

**BY HAND DELIVERY:**

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